

CHAPTER 94: NUISANCES

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GENERAL PROVISIONS

§ 94.01 PREMISES TO BE KEPT CLEAN: NOTICE OF VIOLATION.

(A) Every person owning or occupying any premises in the corporate limits of the town shall keep the premises free from noxious weeds, trash and all other forms of animal or vegetable refuse which may be dangerous, prejudicial to the public health, or which may constitute a public nuisance. No owner or occupant of any premises shall bury therein any animal or vegetable matter which, upon decaying, may become dangerous or prejudicial to the public health or may constitute a nuisance.

(B) If any person shall violate the provisions of division (A) above, it shall be the duty of the Code Enforcement Officer or the appropriate Health Officer or his associates to give notice to the owner

or person in possession of such premises that within 30 days or sooner from the date of that notice, all weeds, trash and other offensive animal or vegetable matter shall be removed from the lot. Should any owner or occupant fail to comply with this notice, then the Code Enforcement Officer or appropriate health officer shall proceed to have it removed. The owner or occupant shall be responsible to the town for the cost thereof.
(Ord. passed 5-11-93; Am. Ord. passed 4-10-01)
Penalty, see § 10.99

§ 94.02 FOOD SERVICE ESTABLISHMENTS TO COMPLY.

All persons, firms or corporations selling food of any kind or serving prepared meals shall comply with all requirements pertaining thereto of the State and Brunswick County Boards of Health.
(Ord. passed 5-11-93) Penalty, see § 10.99

§ 94.03 NUISANCE CONDITIONS.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

(A) The uncontrolled growth of noxious weeds or grass to a height to excess of 24 inches causing or threatening to cause a hazard detrimental to the public health or safety.

(B) Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(C) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or

vermin of any kind which is or may be dangerous or prejudicial to the public health.

(D) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

(Ord. passed 7-11-89) Penalty, see § 10.99

Cross-reference:

Weeds to be cut, see § 94.15

Statutory reference:

Abatement of public health nuisances, see G.S. § 160A-193

§ 94.04 COMPLAINT AND INVESTIGATION.

The Code Enforcement Officer upon notice from any person of the existence of any of the conditions described in § 94.01, shall cause to be made by the appropriate County Health Department Official, or town official, such investigation as may be necessary to determine whether, in fact, the conditions exist as to constitute a public nuisance as declared in § 94.01. (Ord. passed 7-11-89; Am. Ord. passed 4-10-01)

§ 94.05 NOTICE.

Upon a determination that the conditions constituting a public nuisance exist, the Code Enforcement Officer shall notify, by certified mail, the owner, occupant or person in possession of the premises in question of the conditions constituting the public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of the written notice. (Ord. passed 7-11-89; Am. Ord. passed 4-10-01)

§ 94.06 HEARING.

Within seven days from receipt of the notice provided for in § 94.05, the owner, occupant or person in possession of the premises may request a hearing before the Code Enforcement Officer and the County Health Department Official, or town official whose investigation and findings resulted in the initial abatement order. The Code Enforcement Officer shall fix a time for the hearing, and the initial abatement order shall be temporarily suspended pending the hearing. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the Code Enforcement Officer shall consider the evidence before him and shall either

revoke the initial order, issue a final order which differs from the initial order or reinstate the initial order as a final abatement order.

(Ord. passed 7-11-89; Am. Ord. passed 4-10-01)

§ 94.07 REMOVAL BY TOWN.

Upon the occurrence of either of the following conditions:

(A) A hearing is requested and held under § 94.06 resulting in either a final order with modifications or the reinstatement of the initial order as a final order, and the order is not complied with; or

(B) No hearing is requested or held, and the person having been ordered to abate the public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order; then the Code Enforcement Officer shall cause the condition to be removed or otherwise remedied by having employees of the town go upon the premises and remove or otherwise abate the nuisance under the supervision person who has been finally ordered to abate a public nuisance may within the time allowed by this chapter request the town in writing to remove the condition, the cost of which shall be paid by the person making the request.

(Ord. passed 7-11-89; Am. Ord. passed 4-10-01)

§ 94.08 COST INCURRED BY OWNER.

The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner of the lot or parcel of land, and it shall be the duty of the tax collector to mail a statement of the charges to the owner or other person in possession of the premises with instructions that the charges are due and payable within 30 days from the receipt thereof.

(Ord. passed 7-11-89)

§ 94.09 CHARGES BECOME A LIEN.

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in § 94.07, the charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

(Ord. passed 7-11-89)

§ 94.10 ALTERNATIVE TO OTHER AUTHORIZED PROCEDURES.

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. § 14-4.

(Ord. passed 7-11-89) Penalty, see § 10.99

WEEDS**§ 94.15 WEEDS TO BE CUT.**

Every owner or person in possession of a parcel of land within the corporate limits of the town which is occupied or substantially improved, shall shrub down within 12 inches of the ground all weeds, grass, underbrush or other noxious growth from that lot at least twice each year.

(Ord. passed 5-11-93) Penalty, see § 10.99

§ 94.16 NONCOMPLYING OWNERS.

If the weeds or other noxious growth are not cut in compliance with § 94.15 before June 1 of each year and then again before October 1 of each year, the Town Clerk may proceed to have the weeds or other noxious growth cut and the owner shall be responsible to the town for the cost thereof.

(Ord. passed 5-11-93) Penalty, see § 10.99

PORTABLE STORAGE CONTAINERS

Section, 94.17: DEFINITIONS

For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Portable Storage Containers – large (non-structure) outdoor metal storage containers (tractor-trailer type) that are used on a temporary basis by contractors to store building materials and commercial business establishments to store retail and wholesale goods and wares.

94.18. General Provisions: All portable storage containers are classified by the Town of Calabash as temporary (30 days), shall be permitted by the Town's Building Department and shall be located only in Highway Commercial districts and construction site areas. All such portable storage containers used for commercial businesses must be located in the rear of the property and screened from public view. Such portable storage containers are strictly prohibited in residential-zoned areas, unless on a temporary residential construction site. Containers must not be located in drive aisles, loading zones, handicap parking spaces, near fire hydrants or fire department connection equipment or fire lanes. The portable storage containers shall not hinder the ability or job of firefighters or other emergency services personnel.

94.19: Specifications: All portable storage containers cannot be larger than 130 square feet and must be freshly painted and properly maintained to enhance positive aesthetics and safety.

94.20: Permit: All portable storage containers must be permitted through the Building Department for a \$100 temporary permit fee. After thirty (30) days, the permit shall expire and cannot be renewed/permitted again until 6 months later (exception: building contractors for temporary renewal at no further cost and under the same building permit initially issued).

94.21: Penalty: Any person and/or business violating any section of this chapter shall, upon conviction, be guilty of a misdemeanor and be fined not more than \$500, or imprisoned not more than thirty (30) days. Each day a violation continues, however, shall be a separate and distinct offense, punishable as hereinbefore provided.

This ordinance amendment shall be in full force and effect upon its adoption.

Adopted this the 10th day of February, 2004.

(seal)

Curtis K. Hardee, Mayor

Attest:

Janet Thomas, Town Clerk